

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Lisa and Alan Redding,

Plaintiffs,

Civ. No. 10-4386 (RHK/FLN)

**ORDER**

v.

Capital One Bank (USA), N.A., and  
Messerli & Kramer, P.A.,

Defendants.

---

This matter is before the Court *sua sponte*.

Defendants have moved to dismiss this action, noticing their Motion for a hearing before the undersigned on September 15, 2011. The Motion has been fully briefed, and having reviewed the parties' Motion papers, the Court does not believe that oral argument will materially assist its resolution of the Motion. Based on the foregoing, and all the files, records, and proceedings herein, **IT IS ORDERED** that the hearing on the Motion is **CANCELED**, and the Court will decide the Motion based on the written record. The Motion is deemed submitted as of August 31, 2011, the date of Defendants' Reply brief.

Dated: September 7, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge